



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/747,188

12/22/2000

Timothy D. Jordan

0325.00391

5567

21363

7590

05/10/2004

CHRISTOPHER P. MAIORANA, P.C.

24840 HARPER

ST. CLAIR SHORES, MI 48080

EXAMINER

BAYARD, EMMANUEL

ART UNIT

PAPER NUMBER

2631

5

DATE MAILED: 05/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/747,188

Applicant(s)

JORDAN ET AL.

Examiner

Emmanuel Bayard

Art Unit

2631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 6-9, 11-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Beale U.S. Patent No 6,438,155 B1.

As per claims 1, 9 and 14, Beale discloses a method for synchronizing a clock signal to a data signal, comprising the steps of: (A) an edge extract is the same as the claimed (detecting an edge) of said data signal (see fig.1 element 20 and col.2, lines 40-41 and col.4, lines 13-30; (B) determining whether a position of said edge is within a zone (see abstract and fig.1 element 22 and col.1, lines 59-60 and col.2, lines 44-45); and (B) if said edge is not within said zone, adjusting said clock signal towards said position of said edge (see fig.1 element 18 and col.1, line 65- col.2, lines 1-9, 35-55).

As per claim 2, Beale does include sampling a number of clock signals using said data signal (see fig.1 element 14).

As per claim 6, Beale does include incrementing a value in response to a first polarity (see col.6, lines 63-67 and col.7, lines 34-35).

As per claim 7, Beale does include the sub-step of decrementing said value in response to a second polarity (see col.6, lines 63-67 and col.7, lines 34-35).

As per 8, Beale does include the sub-step of selecting a number of clock phases (see fig. 1 element 12) based upon said value.

As per claim 11, Beale does include incrementing/ decrementing a logic circuit configured to adjust a value response.

As per claim 12, Beale does include comprises a plurality of phases (see fig. 1 and col. 1, lines 20-40).

As per claim 13, Beale does include selects one or said plurality of phases as a system clock (see fig. 1 element 12).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beale U.S. Patent No 6,438,155 B1 in view of Julyan et al U.S. Patent No 6,081,561.

As per claim 3, Beale teaches all the features of the claimed invention except the sub-step encoding a position of said edge.

Julyan et al teaches encoding a position of said edge (see col. 1, lines 60-62 and col. 2, lines 3-5, 45-60).

It would have been obvious to one of ordinary skill in the art to implement the teaching of Julyan et al into Beale as to include indications of the set of samples in which the detected edges occurred as taught by Julyan (see col. 2, lines 1-5).

As per claim 4, Beale teaches all the features of the claimed invention except comparing an encoded position of said edge to a predetermined value.

Julyan et al teaches combining an encoded position of said edge to a predetermined value (see col.1, lines 65-67 and col.2, lines 53-67).

It would have been obvious to one of ordinary skill in the art to implement the teaching of Julyan et al into Beale as to be responsive to a counter to encode in the digital phase signal the value in the counter when the phase detector detects an edge as taught by Julyan (see col.2, lines 55-60).

As per claims 5 and 10, Beale teaches all the features of the claimed invention except comparing storing said encoded position.

Julyan et al teaches storing said encoded position (see col.2, lines 46-50).

It would have been obvious to one of ordinary skill in the art to implement the teaching of Julyan et al into Beale as to give a result dependent on whether the samples of that pair are the same or different as taught by Julyan (see col.2, lines 55-60).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gushima et al U.S. patent No 6,721,255 B1 teaches a device and method for recoding data.

Narumi et al U.S. patent No 6,259,457 B1 teaches an optical information-recording medium.

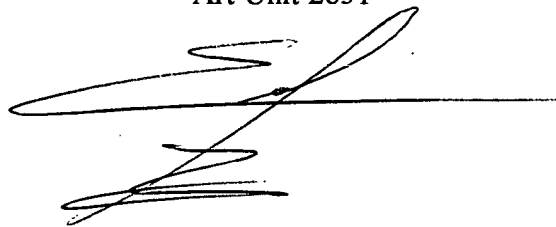
Go U.S. Patent No 6,477,279 B2 teaches an image encoding and decoding.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Bayard whose telephone number is 703 308-9573. The examiner can normally be reached on Monday-Friday (7:Am-4:30PM) Alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammed Ghayour can be reached on 703 306-3034. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Emmanuel Bayard
Primary Examiner
Art Unit 2631

A handwritten signature in black ink, appearing to be 'Emmanuel Bayard', written over a horizontal line.

5/3/04